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REMARKS

Claims 1-23 and 31-41 are pending in the application. Claims 24-30 have been canceled. Claims 1 and 31 are amended herein. The amendments cancel subject matter rejected in the Office Action and do not add new matter.

CLAIMS 1, 2 AND 9 ARE REJECTED UNDER 35 U.S.C. §102(a & e) AS BEING ANTICIPATED BY MARTIN *ET AL.*

While Applicants respectfully traverse the rejection for the reasons stated below, in interest of advancing the application, "*o*-phenylene, 1,2-cyclohexenylene" have been canceled and therefore the rejection under 35 U.S.C. §102(a & e) is moot.

Applicants assert that the cancellation of claims to compounds wherein X² is *o*-phenylene was not made for reasons of patentability. The proviso in the last part of claim 1 (which also is now canceled) expressly disclaims the prior art compounds cited in the Office Action and therefore the reference is not anticipatory. Applicants reserve the right to pursue claims to these compounds in a continuation of the present case.

CLAIMS 1-23 ARE REJECTED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, BECAUSE THE SPECIFICATION, WHILE BEING ENABLING FOR A COMPOUND OR AN ACID ADDITION SALT THEREOF, DOES NOT REASONABLY PROVIDE ENABLEMENT FOR A HYDRATE, SOLVATE OR A CLATHRATE OF A COMPOUND OF FORMULA I.

Claims 1 and 31 have been amended to delete reference to a hydrate, solvate or clathrate of a compound according to formula I. With the amendment to remove the rejected terms the issue is moot and withdrawal of the rejection is earnestly solicited.

CLAIMS 1-23 AND 31-41 ARE REJECTED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, BECAUSE THE SPECIFICATION WHILE ENABLING FOR A COMPOUND ACCORDING TO FORMULA I CLAIM 1 WHEREIN X¹ IS O, S, OR NR⁷, IT DOES NOT REASONABLY PROVIDE ENABLEMENT FOR A COMPOUND HAVING THE STRUCTURE OF CLAIM 1 WHEREIN X² IS *o*-PHENYLENE OR 1,2-CYCLOHEXYLENE.

Claims 1 and 31 have been amended to remove claims for a compound of formula I wherein X² is "*o*-phenylene, 1,2-cyclohexenylene". The amendment renders the rejection under 35 U.S.C. § 112, first paragraph, moot.

Applicants traverse the rejection of compounds of formula I wherein X² is *o*-phenylene under 35 U.S.C. § 112, first paragraph. The reference (WO2002036576) which was used to make the erroneous rejection under

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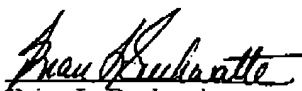
35 U.S.C. § 102(a & e) teaches methods to make phthalazinones wherein X^1 is R^5O or R^5CH_2O . Moreover, the teaching in the reference would inform one skilled in the art to make any of the phthalazinones disclosed herein. Applicants again assert that cancellation of claims to *o*-phenylene compounds is not made for reasons of patentability.

CONCLUSIONS

Applicants believe that the claims as amended are now in condition for allowance. Withdrawal of the rejection and issuance of a Notice of Allowance is respectfully requested. Any questions regarding the application may be directed to the undersigned at the telephone or email addresses given below. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone or email the undersigned.

No fees should be due with this response. However, in the event it is determined that a fee is required, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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